

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:10-CV-536-D

JOE HAND PROMOTIONS, INC.,)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
JORKAY, LLC., and)	
MICHAEL BRUCE PARENT,)	
)	
Defendants.)	

On June 5, 2013, the court granted defendants' motion for summary judgment as to counts two and three and denied the motion as to count one [D.E. 27]. The court found defendants liable as a matter of law as to liability on count one, and ordered the parties to seek to settle the issue of damages, or, if unable to settle the issue of damages, to submit a schedule for resolving the issue of damages not later than July 3, 2013. Id. To date the parties have not submitted a schedule for resolving damages to the court. On August 1, 2013, plaintiff filed a motion for a scheduling order [D.E. 29]. Defendants did not respond. The court construes the motion as a motion to extend time to resolve the issue of damages. The motion is GRANTED IN PART and DENIED IN PART.

If the parties are not able to resolve the issue of damages, they shall participate in mediation. Mediation shall be completed by September 30, 2013. If the parties are unable to settle the issue of damages in mediation, the parties shall file a joint statement updating the court on the status of this case. That report is due not later than October 4, 2013, and shall advise the court of the status of settlement negotiations and provide possible trial dates in December 2013. This matter will be set for trial by separate order. The trial will take place in December 2013 and will take no more than one day.

The parties are WARNED that the failure to respond to this order could result in sanctions up to and including entering a judgment and sanctions. No further extensions of time will be granted.

SO ORDERED. This 17 day of September 2013.



JAMES C. DEVER III
Chief United States District Judge